

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOE MANUEL LARA,)
Plaintiff(s),)
v.)
CITY OF SANTA CLARA POLICE)
DEPARTMENT, et al.,)
Defendant(s).)

)

No. C 07-2608 CRB (PR)
ORDER OF DISMISSAL
(Doc # 9)

Plaintiff has filed a "Motion for Voluntary Dismissal." Plaintiff's motion is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1) and, pursuant thereto, the above-captioned matter is DISMISSED without prejudice. See American Soccer Co. v. Score First Enters., 187 F.3d 1108, 1110 (9th Cir. 1999) (plaintiff's "absolute right" to dismiss his action voluntarily before the defendants serve an answer or a motion for summary judgment leaves no role for the court to play).

The clerk shall close the file and terminate all pending motions (see doc #9) as moot.

SO ORDERED.

DATED: Oct. 10, 2007


CHARLES R. BREYER
United States District Judge